

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 2003CR10356-MLW

UNITED STATES

v.

FRANCIS WHITE
A/K/A THE WHITE HAired GUY

ORDER ON RELEASE

December 22, 2003

ALEXANDER, M.J.

The defendant, Francis White A/K/A The White Haired Guy (“Mr. White”), appeared before this Court on December 4, 2003 for an arraignment and detention hearing on an indictment charging him with multiple violations of 18 U.S.C. §§ 1962(c), 371, 1952, 892, 894 and other offenses. The detention hearing was continued to December 8, 2003, at which time the government was represented by Assistant United States Attorney Colin G. Owyang and Mr. White was represented by Attorney Richard M. Egbert.

Having considered the testimony and proffers at the detention hearing, including the credible testimony of Detective Lieutenant John Tutungian of the Massachusetts State Police, and cognizant that the extant indictment establishes probable cause to believe that the defendant committed the offenses with which he is charged, United States v. Vargas, 804 F.2d 157, 162-63 (1st Cir. 1986), the Court nevertheless concludes that there is not a

scintilla of evidence establishing that this defendant committed the incidents of extortion, violence and intimidation set forth in the affidavit. Notwithstanding the government's objections to the release of the defendant on the basis of his association with his co-defendants and members of La Cosa Nostra, the Court concludes that the government has neither established by a preponderance of the evidence that there is no combination of conditions will reasonably assure the defendant's appearance at future court proceedings nor by clear and convincing evidence that there is no combination of conditions will reasonably assure the safety of any other person and the community if the defendant is released pending trial. 18 U.S.C. § 3142(f). The Court will therefore release the defendant pending trial, subject to the following conditions, on or about December 24, 2003, at 10:30 AM:

1. The defendant is to have no contact with the co-defendants, witnesses, or victims alleged or named in the indictment;
2. The defendant is to possess no firearms, weapons or controlled substances;
3. The defendant's travel is limited to the District of Massachusetts;
4. The defendant is to report by telephone to the Pretrial Services Office of the District Court each Monday, Wednesday and Friday by 12:00 PM;
5. The defendant is to post a bond in the amount of \$500,000 secured by the property located at 30 Frankfort Street and 32 Frankfort Street in East Boston, Massachusetts;
6. Such other conditions as the Court may determine to be appropriate.

SO ORDERED.

/S/ Joyce London Alexander

United States Magistrate Judge